



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

LCC:ddj
Docket No: 6008-00
28 November 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1400/3 MMPR-2 of 1 November 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1400/3
MMPR-2
1 Nov 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF MR. [REDACTED]

[REDACTED] a retired Marine, requests correction of his military service records to reflect that he retired at the pay grade of sergeant (E5) vice sergeant (E4).

2. A review of Mr. [REDACTED] military service records indicates that he retired from the Marine Corps at the grade of sergeant (E4). In December 1954, after his retirement from the Marine Corps, a change in the rank structure took effect and two additional titles were established, and the grade of sergeant was assigned pay grade E5. On 1 January 1959, the present structure became effective with sergeant remaining as pay grade (E5). Mr. [REDACTED] retired before the changes in the rank structure at the pay grade and title of sergeant (E4). Therefore, there is no basis to change the pay grade of his retirement grade to reflect the pay grade of the present system that was not in effect upon his retirement.

3. Mr. [REDACTED] retirement pay grade and title are correct as sergeant (E4). We recommend his petition be denied.

[REDACTED]
[REDACTED] SEN
Head, Enlisted Promotion Section
Promotion Branch
By direction of
the Commandant of the Marine Corps